



General Assembly

**Substitute Bill No. 6403**

January Session, 2009

\* HB06403GAE\_\_051209\_\_ \*

**AN ACT CONCERNING ACCESS TO RECORDS OF THE  
DEPARTMENT OF CHILDREN AND FAMILIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-28 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) As used in this section:

4 (1) "Person" means (A) any individual named in a record,  
5 maintained by the department, who (i) is presently or at any prior time  
6 was a ward of or committed to the commissioner for any reason; (ii)  
7 otherwise received services, voluntarily or involuntarily, from the  
8 department; or (iii) is presently or was at any prior time the subject of  
9 an investigation by the department; (B) [the] a parent whose parental  
10 rights have not been terminated or current guardian of [a person, as  
11 defined] an individual described in subparagraph (A) of this  
12 subdivision, if such [person] individual is a minor; or (C) the  
13 authorized representative of [a person] an individual, as defined in  
14 subparagraph (A) of this subdivision, if such person is deceased;

15 (2) "Attorney" means the licensed attorney authorized to assert the  
16 confidentiality of or right of access to records of a person;

17 (3) "Authorized representative" means a parent, guardian, guardian

18 ad litem, attorney, conservator or other individual authorized to assert  
19 the confidentiality of or right of access to records of a person;

20 (4) "Consent" means permission given in writing by a person, [his]  
21 the person's attorney or [his] authorized representative to disclose  
22 specified information, within a limited time period, regarding the  
23 person to specifically identified individuals or entities;

24 (5) "Records" means information created or obtained in connection  
25 with the department's child protection activities or other activities  
26 related to a child while in the care or custody of the department,  
27 including information in the registry of reports to be maintained by the  
28 commissioner pursuant to section 17a-101k, as amended by this act,  
29 provided records which are not created by the department are not  
30 subject to disclosure, except as provided pursuant to subsection [(f), (l)  
31 or (n)] (g) or (h) of this section;

32 (6) "Disclose" means (A) to provide an oral summary of records  
33 maintained by the department to an individual, agency, corporation or  
34 organization, or (B) to allow an individual, agency, corporation or  
35 organization to review or obtain copies of such records in whole, part  
36 or summary form;

37 (7) "Near fatality" means an act, as certified by a physician, that  
38 places a child in serious or critical condition.

39 (b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213,  
40 records maintained by the department shall be confidential and [shall  
41 not be disclosed. Such records of any person] may only be disclosed, in  
42 whole or in part, to any individual, agency, corporation or  
43 organization with the consent of the person or as provided in this  
44 section. Any unauthorized disclosure shall be punishable by a fine of  
45 not more than one thousand dollars or imprisonment for not more  
46 than one year, or both.

47 [(c) When information concerning an incident of abuse or neglect  
48 has been made public or when the commissioner reasonably believes

49 publication of such information is likely, the commissioner or the  
50 commissioner's designee may disclose, with respect to an investigation  
51 of such abuse or neglect: (1) Whether the department has received a  
52 report in accordance with sections 17a-101a to 17a-101c, inclusive, or  
53 section 17a-103, and (2) in general terms, any action taken by the  
54 department, provided (A) the names or other individually identifiable  
55 information of the minor victim or other family member is not  
56 disclosed, and (B) the name or other individually identifiable  
57 information of the person suspected to be responsible for the abuse or  
58 neglect is not disclosed unless the person has been arrested for a crime  
59 due to such abuse or neglect.

60 (d) The commissioner shall make available to the public, without  
61 the consent of the person, information in general terms or findings  
62 concerning an incident of abuse or neglect which resulted in a child  
63 fatality or near fatality of a child, provided disclosure of such  
64 information or findings does not jeopardize a pending investigation.]

65 (c) Notwithstanding any provision of the general statutes, records  
66 that (1) contain privileged communications, or (2) are confidential  
67 pursuant to any federal law or regulation shall not be disclosed except  
68 as authorized by law.

69 (d) Any information disclosed from a person's record shall not be  
70 further disclosed to another individual or entity without the written  
71 consent of the person, unless a court of competent jurisdiction orders  
72 such disclosure.

73 (e) The commissioner shall, upon written request, disclose the  
74 following information concerning agencies licensed by the Department  
75 of Children and Families, except foster care parents, relatives of the  
76 child who are certified to provide foster care or prospective adoptive  
77 families: (1) The name of the licensee; (2) the date the original license  
78 was issued; (3) the current status of the license; (4) whether an agency  
79 investigation or review is pending or has been completed; and (5) any  
80 licensing action taken by the department at any time during the period

81 such license was issued and the reason for such action, provided  
82 disclosure of such information will not jeopardize a pending  
83 investigation.

84 [(f) The commissioner or the commissioner's designee shall, upon  
85 request, promptly provide copies of records, without the consent of a  
86 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,  
87 or the Chief State's Attorney's designee, or a state's attorney for the  
88 judicial district in which the child resides or in which the alleged abuse  
89 or neglect occurred, or the state's attorney's designee, for purposes of  
90 investigating or prosecuting an allegation of child abuse or neglect, (3)  
91 the attorney appointed to represent a child in any court in litigation  
92 affecting the best interests of the child, (4) a guardian ad litem  
93 appointed to represent a child in any court in litigation affecting the  
94 best interests of the child, (5) the Department of Public Health, which  
95 licenses any person to care for children for the purposes of  
96 determining suitability of such person for licensure, subject to the  
97 provisions of sections 17a-101g and 17a-101k, (6) any state agency  
98 which licenses such person to educate or care for children pursuant to  
99 section 10-145b or 17a-101j, subject to the provisions of sections 17a-  
100 101g and 17a-101k concerning nondisclosure of findings of  
101 responsibility for abuse and neglect, (7) the Governor, when requested  
102 in writing, in the course of the Governor's official functions or the  
103 Legislative Program Review and Investigations Committee, the joint  
104 standing committee of the General Assembly having cognizance of  
105 matters relating to the judiciary and the select committee of the  
106 General Assembly having cognizance of matters relating to children  
107 when requested in the course of said committees' official functions in  
108 writing, and upon a majority vote of said committee, provided no  
109 names or other identifying information shall be disclosed unless it is  
110 essential to the legislative or gubernatorial purpose, (8) a local or  
111 regional board of education, provided the records are limited to  
112 educational records created or obtained by the state or Connecticut-  
113 Unified School District #2, established pursuant to section 17a-37, (9) a  
114 party in a custody proceeding under section 17a-112 or 46b-129, in the

115 Superior Court where such records concern a child who is the subject  
116 of the proceeding or the parent of such child, (10) the Chief Child  
117 Protection Attorney, or his or her designee, for purposes of ensuring  
118 competent representation by the attorneys whom the Chief Child  
119 Protection Attorney contracts with to provide legal and guardian ad  
120 litem services to the subjects of such records and to ensure accurate  
121 payments for services rendered by such contract attorneys, and (11)  
122 the Department of Motor Vehicles, for purposes of checking the state's  
123 child abuse and neglect registry pursuant to subsection (e) of section  
124 14-44. A disclosure under this section shall be made of any part of a  
125 record, whether or not created by the department, provided no  
126 confidential record of the Superior Court shall be disclosed other than  
127 the petition and any affidavits filed therewith in the superior court for  
128 juvenile matters, except upon an order of a judge of the Superior Court  
129 for good cause shown. The commissioner shall also disclose the name  
130 of any individual who cooperates with an investigation of a report of  
131 child abuse or neglect to such law enforcement agency or state's  
132 attorney for purposes of investigating or prosecuting an allegation of  
133 child abuse or neglect. The commissioner or the commissioner's  
134 designee shall, upon request, subject to the provisions of sections 17a-  
135 101g and 17a-101k, promptly provide copies of records, without the  
136 consent of the person, to (A) the Department of Public Health for the  
137 purpose of determining the suitability of a person to care for children  
138 in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82  
139 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social  
140 Services for determining the suitability of a person for any payment  
141 from the department for providing child care.

142 (g) When the commissioner or his designee determines it to be in a  
143 person's best interest, the commissioner or his designee may disclose  
144 records, whether or not created by the department and not otherwise  
145 privileged or confidential communications under state or federal law,  
146 without the consent of a person to:

147 (1) Multidisciplinary teams which are formed to assist the  
148 department in investigation, evaluation or treatment of child abuse

149 and neglect cases or a multidisciplinary provider of professional  
150 treatment services under contract with the department for a child  
151 referred to the provider;

152 (2) Any agency in another state which is responsible for  
153 investigating or protecting against child abuse or neglect for the  
154 purpose of investigating a child abuse case;

155 (3) An individual, including a physician, authorized pursuant to  
156 section 17a-101f to place a child in protective custody if such  
157 individual has before him a child whom he reasonably suspects may  
158 be a victim of abuse or neglect and such individual requires the  
159 information in a record in order to determine whether to place the  
160 child in protective custody;

161 (4) An individual or public or private agency responsible for a  
162 person's care or custody and authorized by the department to  
163 diagnose, care for, treat or supervise a child who is the subject of a  
164 record of child abuse or neglect or a public or private agency  
165 responsible for a person's education for a purpose related to the  
166 individual's or agency's responsibilities;

167 (5) The Attorney General or any assistant attorney general  
168 providing legal counsel for the department;

169 (6) Individuals or public or private agencies engaged in medical,  
170 psychological or psychiatric diagnosis or treatment of a person  
171 perpetrating the abuse or who is unwilling or unable to protect the  
172 child from abuse or neglect when the commissioner or his designee  
173 determines that the disclosure is needed to accomplish the objectives  
174 of diagnosis or treatment;

175 (7) A person who reports child abuse pursuant to sections 17a-101a  
176 to 17a-101c, inclusive, and section 17a-103, who made a report of abuse  
177 involving the subject child, provided the information disclosed is  
178 limited to (A) the status of the investigation and (B) in general terms,  
179 any action taken by the department;

180       (8) An individual conducting bona fide research, provided no  
181 information identifying the subjects of records shall be disclosed  
182 unless (A) such information is essential to the purpose of the research;  
183 (B) each person identified in a record or his authorized representative  
184 has authorized such disclosure in writing; and (C) the department has  
185 given written approval;

186       (9) The Auditors of Public Accounts or their representative,  
187 provided no information identifying the subjects of the records shall be  
188 disclosed unless such information is essential to an audit conducted  
189 pursuant to section 2-90;

190       (10) The Department of Social Services, provided the information  
191 disclosed is necessary to promote the health, safety and welfare of the  
192 child;

193       (11) A judge of the Superior Court for purposes of determining the  
194 appropriate disposition of a child convicted as delinquent or a child  
195 who is a member of a family with service needs; and

196       (12) The superintendents, or their designees, of state-operated  
197 facilities within the department.

198       (h) The commissioner or his designee may disclose the name,  
199 address and fees for services to a person, to individuals or agencies  
200 involved in the collection of fees for such services, except as provided  
201 in section 17b-225. In cases where a dispute arises over such fees or  
202 claims or where additional information is needed to substantiate the  
203 fee or claim, such disclosure of further information shall be limited to  
204 the following: (1) That the person was in fact committed to or  
205 otherwise served by the department; (2) dates and duration of service;  
206 and (3) a general description of the service, which shall include  
207 evidence that a service or treatment plan exists and has been carried  
208 out and evidence to substantiate the necessity for admission and  
209 length of stay in any institution or facility.

210       (i) Notwithstanding the provisions of subsections (f) and (l) of this

211 section, the name of an individual reporting child abuse or neglect  
212 shall not be disclosed without his written consent except to (1) an  
213 employee of the department responsible for child protective services or  
214 the abuse registry; (2) a law enforcement officer; (3) an appropriate  
215 state's attorney; (4) an appropriate assistant attorney general; (5) a  
216 judge of the Superior Court and all necessary parties in a court  
217 proceeding pursuant to section 46b-129, or a criminal prosecution  
218 involving child abuse or neglect; or (6) a state child care licensing  
219 agency, executive director of any institution, school or facility or  
220 superintendent of schools pursuant to section 17a-101i.

221 (j) Notwithstanding the provisions of subsection (g) of this section,  
222 the name of any individual who cooperates with an investigation of a  
223 report of child abuse or neglect shall be kept confidential upon request  
224 or upon determination by the department that disclosure of such  
225 information may be detrimental to the safety or interests of the  
226 individual, except the name of any such individual shall be disclosed  
227 to the persons listed in subsection (i) of this section.

228 (k) Notwithstanding the confidentiality provisions of this section,  
229 the commissioner, upon request of an employee, shall disclose such  
230 records to such employee or his authorized representative which  
231 would be applicable and necessary for the purposes of an employee  
232 disciplinary hearing or appeal from a decision after such hearing.

233 (l) Information disclosed from a person's record shall not be  
234 disclosed further without the written consent of the person, except if  
235 disclosed to a party or his counsel pursuant to an order of a court in  
236 which a criminal prosecution or an abuse, neglect, commitment or  
237 termination proceeding against the party is pending. A state's attorney  
238 shall disclose to the defendant or his counsel in a criminal prosecution,  
239 without the necessity of a court order, exculpatory information and  
240 material contained in such record and may disclose, without a court  
241 order, information and material contained in such record which could  
242 be the subject of a disclosure order. All written records disclosed to  
243 another individual or agency shall bear a stamp requiring



244 confidentiality in accordance with the provisions of this section. Such  
245 material shall not be disclosed to anyone without written consent of  
246 the person or as provided by this section. A copy of the consent form  
247 specifying to whom and for what specific use the record is disclosed or  
248 a statement setting forth any other statutory authorization for  
249 disclosure and the limitations imposed thereon shall accompany such  
250 record. In cases where the disclosure is made orally, the individual  
251 disclosing the information shall inform the recipient that such  
252 information is governed by the provisions of this section.

253       (m) In addition to the right of access provided in section 1-210, any  
254 person, regardless of age, his authorized representative or attorney  
255 shall have the right of access to any records made, maintained or kept  
256 on file by the department, whether or not such records are required by  
257 any law or by any rule or regulation, when those records pertain to or  
258 contain information or materials concerning the person seeking access  
259 thereto, including but not limited to records concerning investigations,  
260 reports, or medical, psychological or psychiatric examinations of the  
261 person seeking access thereto, provided that (1) information  
262 identifying an individual who reported abuse or neglect of a person,  
263 including any tape recording of an oral report pursuant to section 17a-  
264 103, shall not be released unless, upon application to the Superior  
265 Court by such person and served on the Commissioner of Children  
266 and Families, a judge determines, after in camera inspection of  
267 relevant records and a hearing, that there is reasonable cause to believe  
268 the reporter knowingly made a false report or that other interests of  
269 justice require such release; and (2) if the commissioner determines  
270 that it would be contrary to the best interests of the person or his  
271 authorized representative or attorney to review the records, he may  
272 refuse access by issuing to such person or representative or attorney a  
273 written statement setting forth the reasons for such refusal, and advise  
274 the person, his authorized representative or attorney of the right to  
275 seek judicial relief. When any person, attorney or authorized  
276 representative, having obtained access to any record, believes there are  
277 factually inaccurate entries or materials contained therein, he shall

278 have the unqualified right to add a statement to the record setting  
279 forth what he believes to be an accurate statement of those facts, and  
280 said statement shall become a permanent part of said record.

281 (n) (1) Any person, attorney or authorized representative aggrieved  
282 by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or  
283 of subsection (m) of this section, except subdivision (2) of said  
284 subsection (m), may seek judicial relief in the same manner as  
285 provided in section 52-146j; (2) any person, attorney or authorized  
286 representative denied access to records by the commissioner under  
287 subdivision (2) of subsection (m) of this section may petition the  
288 superior court for the venue district provided in section 46b-142 in  
289 which the person resides for an order requiring the commissioner to  
290 permit access to those records, and the court after hearing, and an in  
291 camera review of the records in question, shall issue such an order  
292 unless it determines that to permit such access would be contrary to  
293 the best interests of the person or authorized representative.

294 (o) The commissioner shall promulgate regulations pursuant to  
295 chapter 54, within one year of October 1, 1996, to establish procedures  
296 for access to and disclosure of records consistent with the provisions of  
297 this section.]

298 (f) The name of any individual who reports suspected abuse or  
299 neglect of a child or youth or cooperates with an investigation of child  
300 abuse or neglect shall be kept confidential upon request or upon  
301 determination by the department that disclosure of such information  
302 may be detrimental to the safety or interests of the individual, except  
303 the name of any such individual shall be disclosed to (1) an employee  
304 of the department for reasons reasonably related to the business of the  
305 department, (2) a law enforcement officer for purposes of investigating  
306 abuse or neglect of a child or youth, (3) a state's attorney for purposes  
307 of investigating or prosecuting abuse or neglect of a child or youth, (4)  
308 an assistant attorney general or other legal counsel representing the  
309 department, (5) a judge of the Superior Court and all necessary parties  
310 in a court proceeding pursuant to section 17a-112 or 46b-129, or a

311 criminal prosecution involving child abuse or neglect, (6) a state child  
312 care licensing agency, or (7) the executive director of any institution,  
313 school or facility or superintendent of schools pursuant to section 17a-  
314 101i.

315 (g) The department shall disclose records, without the consent of the  
316 person who is the subject of the record, to:

317 (1) An employee of the department for any purpose reasonably  
318 related to the business of the department;

319 (2) A guardian ad litem or attorney appointed to represent a child or  
320 youth in litigation affecting the best interests of the child or youth;

321 (3) The Attorney General, any assistant attorney general or any  
322 other legal counsel retained to represent the department during the  
323 course of a legal proceeding involving the department or an individual  
324 employee of the department;

325 (4) The Child Advocate or the Child Advocate's designee;

326 (5) The Chief Child Protection Attorney or the Chief Child  
327 Protection Attorney's designee;

328 (6) The Chief State's Attorney or the Chief State's Attorney's  
329 designee for purposes of investigating or prosecuting an allegation of  
330 child abuse or neglect, provided such prosecuting authority shall have  
331 access to such records of a delinquency defendant, who is not being  
332 charged with an offense related to child abuse, only while the case is  
333 being prosecuted and after obtaining a release;

334 (7) A state or federal law enforcement officer for purposes of  
335 investigating an allegation of child abuse or neglect;

336 (8) Any foster or prospective adoptive parent, if the records pertain  
337 to a child or youth currently placed with the foster or prospective  
338 adoptive parent, or a child or youth being considered for placement  
339 with the foster or prospective adoptive parent and the records are

340 necessary to address the social, medical, psychological or educational  
341 needs of the child or youth, provided no information identifying a  
342 biological parent is disclosed without the permission of such biological  
343 parent;

344 (9) The Governor, when requested in writing in the course of the  
345 Governor's official functions, the Legislative Program Review and  
346 Investigations Committee, the joint standing committees of the General  
347 Assembly having cognizance of matters relating to human services and  
348 the judiciary and the select committee of the General Assembly having  
349 cognizance of matters relating to children, when requested in writing  
350 in the course of said committees' official functions, and upon a  
351 majority vote of said committees, provided no names or other  
352 identifying information is disclosed unless it is essential to the  
353 gubernatorial or legislative purpose;

354 (10) The Department of Public Health, subject to the provisions of  
355 section 17a-101g and section 17a-101k, as amended by this act, for the  
356 purpose of (A) determining the suitability of a person to care for  
357 children in a facility licensed pursuant to section 19a-77, 19a-80 or 19a-  
358 87b, or (B) determining the suitability of such person for licensure;

359 (11) A state agency that licenses or certifies a person to educate or  
360 care for children or youth, subject to the provisions of section 17a-101g  
361 and section 17a-101k, as amended by this act, concerning  
362 nondisclosure of findings of responsibility for abuse and neglect;

363 (12) A judge of the Probate Court where the Probate Court has  
364 requested an investigative report by the Department of Children and  
365 Families for the purpose of determining custody, provided disclosure  
366 is limited to those records necessary for preparation of the  
367 investigative report;

368 (13) A judge of the Superior Court for purposes of determining the  
369 appropriate disposition of a child convicted as delinquent or a child  
370 who is a member of a family with service needs, or a judge of the  
371 Superior Court in a criminal prosecution for purposes of in camera

372 inspection whenever (A) the court has ordered that the record be  
373 provided to the court; or (B) a party to the proceeding has issued a  
374 subpoena for the record;

375 (14) The Auditors of Public Accounts or their representative,  
376 provided no information identifying the subject of the record is  
377 disclosed unless such information is essential to an audit conducted  
378 pursuant to section 2-90;

379 (15) A local or regional board of education, provided the records are  
380 limited to educational records created or obtained by the state or  
381 Unified School District #2, established pursuant to section 17a-37;

382 (16) The Department of Motor Vehicles for the purpose of criminal  
383 history records checks pursuant to subsection (e) of section 14-44; and

384 (17) The Department of Mental Health and Addiction Services for  
385 the purpose of treatment planning for young adults who have  
386 transitioned from the care of the Department of Children and Families.

387 (h) The department may disclose records without the consent of the  
388 person who is the subject of the record, to:

389 (1) A law enforcement officer or state's attorney if there is  
390 reasonable cause to believe that a child or youth is being abused or  
391 neglected or at risk of being abused or neglected as a result of any  
392 suspected criminal activity by any person;

393 (2) Any individual interviewed as part of an investigation  
394 conducted pursuant to section 17a-101g, who is not otherwise entitled  
395 to such information, provided such disclosure is limited to: (A) The  
396 general nature of the allegations contained in the reports; (B) the  
397 identity of the child or youth alleged to have been abused or neglected;  
398 (C) the identity of the alleged perpetrator; and (D) information  
399 necessary to further the course of the investigation;

400 (3) Any individual, when information concerning an incident of  
401 abuse or neglect has been made public or when the commissioner

402 reasonably believes publication of such information is likely, (A)  
403 provided such disclosure is limited to: (i) Whether the department has  
404 received a report in accordance with sections 17a-101a to 17a-101c,  
405 inclusive, or section 17a-103, and (ii) in general terms, any action taken  
406 by the department, and (B) the following information is not disclosed:  
407 (i) The names or other individually identifiable information of the  
408 minor victim or other family member, and (ii) the name or other  
409 individually identifiable information of the person suspected to be  
410 responsible for the abuse or neglect is not disclosed unless such person  
411 has been arrested for a crime due to such abuse or neglect;

412 (4) Any individual for the purposes of locating a missing parent,  
413 child or youth, provided such disclosure is limited to information that  
414 assists in locating such missing parent, child or youth;

415 (5) Any individual, when the information or findings concern an  
416 incident of abuse or neglect that resulted in a child or youth fatality or  
417 near fatality of a child or youth, and provided disclosure of such  
418 information or findings is in general terms and does not jeopardize a  
419 pending investigation;

420 (6) A court of competent jurisdiction whenever an employee of the  
421 department is subpoenaed and ordered to testify about such records;

422 (7) Individuals not employed by the department who arrange,  
423 perform or assist in performing functions or activities on behalf of the  
424 department, including, but not limited to, data analysis, processing or  
425 administration, utilization reviews, quality assurance, practice  
426 management, consultation, data aggregation and accreditation  
427 services;

428 (8) A person who is named in the record or such person's  
429 authorized representative, provided (A) such person only has access to  
430 information about such person or such person's biological or adoptive  
431 minor children and provided such person's parental rights to such  
432 children have not been terminated; and (B) information identifying an  
433 individual who reported abuse or neglect of a person, including any

434 tape recording of an oral report pursuant to section 17a-103, is not  
435 disclosed unless, upon application to the Superior Court by such  
436 person and served on the Commissioner of Children and Families, a  
437 judge determines after an in camera inspection of relevant records and  
438 a hearing that there is reasonable cause to believe the reporter  
439 knowingly made a false report or that other interests of justice require  
440 such disclosure;

441 (9) An employee or former employee of the department or such  
442 employee or former employee's authorized representative for purposes  
443 of participating in litigation in any court or in any administrative or  
444 disciplinary hearing or other proceeding or appeal from decision after  
445 such hearing, provided such disclosure shall be limited to those  
446 records that are applicable and necessary for the purpose of such  
447 hearing or appeal, as determined by the department;

448 (10) Multidisciplinary teams pursuant to the provisions of section  
449 17a-106a;

450 (11) A provider of professional services for a child or youth or  
451 parent referred to the provider, provided disclosure is limited to such  
452 information necessary to provide services to the child or youth or  
453 parent;

454 (12) An individual or agency under contract with the department  
455 for the purpose of identifying and assessing potential foster homes or  
456 prospective adoptive homes for a child or youth who is the subject of  
457 the record, provided no information that identifies a biological parent  
458 of a child or youth is further disclosed without the permission of such  
459 biological parent;

460 (13) The Department of Social Services, subject to the provisions of  
461 section 17a-101g and section 17a-101k, as amended by this act, for the  
462 purpose of (A) determining the suitability of a person for any payment  
463 from the Department of Social Services for providing child care; or (B)  
464 promoting the health, safety and welfare of the child or youth;

465     (14) The Department of Developmental Services for the purposes of  
466     eligibility and enrollment and service planning of clients in the  
467     voluntary services program operated by the Department of  
468     Developmental Services;

469     (15) An individual, including a physician, authorized pursuant to  
470     section 17a-101f to place a child or youth in protective custody if such  
471     individual has before him or her a child or youth whom the individual  
472     reasonably suspects may be the victim of abuse or neglect and such  
473     individual requires the information in a record in order to determine  
474     whether the child or youth should be placed in protective custody;

475     (16) An individual who reports child abuse pursuant to sections  
476     17a-101a to 17a-101c, inclusive, and section 17a-103, who made a report  
477     of abuse involving the subject child or youth, provided the information  
478     disclosed is limited to (A) the status of the investigation, and (B) in  
479     general terms, any action taken by the department;

480     (17) An individual or public or private agency engaged in medical,  
481     psychological or psychiatric diagnosis or treatment of a person who  
482     has perpetrated abuse or neglect or who is unwilling or unable to  
483     protect the child or youth from abuse or neglect when the  
484     commissioner, or the commissioner's designee, determines that the  
485     disclosure is needed to accomplish the objectives of diagnosis or  
486     treatment;

487     (18) A court or public agency in another state or a federally  
488     recognized Indian tribe, which is responsible for investigating or  
489     protecting children against abuse or neglect or providing services to  
490     families at risk of abuse or neglect, for the purpose of investigating or  
491     protecting children against abuse or neglect or providing services to  
492     such family;

493     (19) An individual conducting bona fide research, provided no  
494     information identifying the subject of the record shall be disclosed  
495     unless (A) such information is essential to the purpose of the research;  
496     and (B) the department has given written approval; and



497       (20) An individual or agency involved in the collection of fees for  
498 services, provided such information is limited to the name and address  
499 of the person who received the services and the fees for services,  
500 except as provided in section 17b-225. In cases where a dispute arises  
501 over such fees or claims or where additional information is needed to  
502 substantiate the fee or claim, such disclosure of further information  
503 shall be limited to the following: (A) That the person was, in fact,  
504 provided services by the department; (B) dates and duration of service;  
505 and (C) a general description of the service, which includes evidence  
506 that a service or treatment plan exists and has been carried out, and  
507 evidence to substantiate the necessity for admission and length of stay  
508 in any institution or facility.

509       (i) Notwithstanding the provisions of subsections (e) to (h),  
510 inclusive, of this section, the department may refuse to disclose records  
511 to any individual, provided the department gives such individual  
512 notice (1) that records are being withheld, (2) of the general nature of  
513 the records being withheld, (3) of the department's reason for refusing  
514 to disclose the records, and (4) of the individual's right to judicial relief  
515 pursuant to subsection (j) of this section.

516       (j) Any person (1) aggrieved by a violation of subsection (b) or (d),  
517 subsections (f) to (h), inclusive, or subsection (l) of this section, or the  
518 person's authorized representative, may seek judicial relief in the  
519 manner prescribed in section 52-146j, or (2) denied access to records by  
520 the department under subsection (i) of this section, or the person's  
521 authorized representative, may petition the superior court for juvenile  
522 matters for the venue district, established pursuant to section 46b-142,  
523 in which the person resides for an order requiring the commissioner to  
524 permit access to the records, and the court, after a hearing and an in  
525 camera review of the records in question, shall issue such order unless  
526 it determines that permitting such disclosure of all or any portion of  
527 the record (A) would be contrary to the best interests of the person, the  
528 person's authorized representative or the person who is the subject of  
529 the record; (B) could reasonably result in the risk of harm to any  
530 person; or (C) would contravene the public policy of the state.

531     (k) A party to a civil proceeding may petition the superior court for  
532 juvenile matters for the venue district, established pursuant to section  
533 46b-142, in which the party resides for an order authorizing disclosure  
534 of the record of another party to the civil proceeding, provided the  
535 court, after an in camera inspection, finds the records are material and  
536 relevant to those proceedings and that good cause exists to disclose  
537 such records. For purposes of this subsection, good cause exists, but is  
538 not limited to, situations in which there are no other available means of  
539 obtaining the information sought in such record by the party seeking  
540 such record.

541     (l) All written records disclosed to another individual or agency  
542 shall bear a stamp requiring confidentiality in accordance with the  
543 provisions of this section. Such material shall not be disclosed to  
544 anyone without the written consent of the person or as provided by  
545 this section. A copy of the consent form specifying to whom and for  
546 what specific use the record is disclosed or a statement setting forth  
547 any other statutory authorization for disclosure and the limitations  
548 imposed on such disclosure, shall accompany the record. In cases  
549 where the disclosure is made orally, the individual disclosing the  
550 information shall inform the recipient that such information is  
551 governed by the provisions of this section.

552     (m) Whenever any person, attorney or authorized representative,  
553 having obtained access to any record, believes there are factually  
554 inaccurate entries or materials contained in such record, such person  
555 may add a statement to the record setting forth what such person  
556 believes to be an accurate statement of those facts and such statement  
557 shall become a permanent part of the record.

558     Sec. 2. Subdivision (1) of subsection (c) of section 17a-101k of the  
559 general statutes is repealed and the following is substituted in lieu  
560 thereof (*Effective October 1, 2009*):

561     (c) (1) Following a request for appeal, the commissioner or the  
562 commissioner's designee shall conduct an internal review of the

563 recommended finding to be completed no later than thirty days after  
 564 the request for appeal is received by the department. The  
 565 commissioner or the commissioner's designee shall review all relevant  
 566 information relating to the recommended finding, to determine  
 567 whether the recommended finding is factually or legally deficient and  
 568 ought to be reversed. Prior to the review, the commissioner shall  
 569 provide the individual access to all relevant documents in the  
 570 possession of the commissioner regarding the finding of responsibility  
 571 for abuse or neglect of a child, as provided in [subsection (m) of]  
 572 section 17a-28, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	17a-28
Sec. 2	October 1, 2009	17a-101k(c)(1)

**JUD**      *Joint Favorable Subst.*

**GAE**      *Joint Favorable*